

TRIAL PROCEDURES FOR WYOMING JUDGES, SITTING BY DESIGNATION IN COLORADO

Exhibit Lists. Prepare an index of exhibits which you expect to offer, using the attached form. This list should include a description of all summaries, charts, and demonstrative exhibits prepared by any witness in advance of the witness' appearance at trial. Provide three copies of this form for the court and a copy for opposing counsel. There will be no requirement to offer exhibits in sequence.

Exhibits. Exhibit labels can be obtained from private vendors or the Clerk's office before trial. Plaintiffs exhibits should be marked with the yellow or pink labels, using numbers. Defendant's exhibits should be marked with the blue labels, using alphabetical letters. If there are more than twenty-six exhibits for the defendant, please mark them as A-1 through A-26, B-1 through B-26, etc. Do not use double or triple letters. The civil action number is to be placed on each of the exhibit stickers. If there are multiple parties, plaintiff or defendant, the exhibit labels will list the name of the offering party.

Copies of Exhibits. It is expected that copies of all exhibits will be provided to opposing counsel and that you will have copies of your exhibits. It is not necessary to provide copies for the court in jury trials but in bench trials, a court copy is often useful.

Exhibits Notebooks. All exhibits are to be placed in three ring notebooks, properly labeled and tagged. The notebooks containing original exhibits and the court's copies of exhibits will be provided to the courtroom deputy on the morning of trial. Counsel will be informed, prior to trial, if notebooks will be required for the jury.

When notebooks are required for the jury, only stipulated exhibits are to be placed in the notebooks in advance of trial. As the trial proceeds and exhibits that have not been previously stipulated to are admitted, counsel must have prepared and ready to submit to the court enough copies for the individual jurors. All exhibits to be placed in all notebooks are to be three-hole punched.

Witnesses. Provide the court with an original and three copies of the list of your witnesses.

Voir Dire Questions and Proposed Instructions. Three copies of reasonably anticipated jury instructions will be submitted to the Clerk's office, Attn: Deb Craven; by noon on the Monday of the week before trial. There will be an additional opportunity to submit proposed instructions during the trial. Do not number or identify the party submitting each instruction, e.g. "Instruction No. _____." Sources should be shown on one copy only. Included with submission of hard copy proposed instructions should be proposed instructions on a 3.5 disk, WordPerfect compatible. Any requested voir dire questions should be submitted along with the proposed instructions by noon on the Monday of the week before trial.

Written Curriculum Vitae. In trial to the court, a written curriculum vitae, marked as an exhibit will usually suffice for the qualification of expert witnesses and will be admitted into evidence in lieu of a lengthy recitation of material listed in the CV.

Depositions. Counsel are reminded that, pursuant to Fed.R.Civ.P. 5(d), depositions, interrogatories, requests for admissions, and the answers and responses thereto are not filed with the Clerk unless on special order of the court. The original deposition transcripts should be in the possession of the party to whom they were delivered and must be brought to the trial. If you are going to use deposition testimony, you should advise opposing counsel of your proposed offer by page and line reference to enable the preparation of objections and the offer of additional portions of the transcript. In jury trials, you are also requested to provide a person (who may be co-counsel) to read answers. In trials to the court, depositions will not be read in open court. The court will read them in chambers in any sequence which is requested. The preferred practice is to provide the court with a copy of the transcript with the plaintiffs designations highlighted in yellow and the defendant's designations highlighted in blue.

Videotape Depositions. If videotaped deposition testimony is to be used, the court must be given at least fifteen (15 days) advance notice, with objections marked on a copy of the written transcript. Objections will be ruled on before trial and excluded material must then be removed from the tape.

Special Equipment. The court will not provide any audio or visual equipment. If you intend to use any special equipment such as models, videotapes, movies, slides or tape recorders, you are asked to call to make appropriate arrangements for any required set-up.

Commencement of Trial. On the first day of trial, counsel are expected to be present at 8:00 a.m., at which time counsel will meet with the courtroom deputy clerk, and be prepared to submit the following:

1. The original and copies (court's copy and when necessary, juror copies) of the exhibit notebook.
2. An original and three copies of the completed exhibit list form which is attached to these procedures.

Combined exhibit notebooks and exhibit lists are preferred, if possible.

3. An original and three copies of the witness list.

At 8:30 a.m., the judge will hear preliminary and housekeeping matters. Jury selection will commence at 9:00 a.m.

Findings of Fact and Conclusions of Law. For trials to court, proposed findings of fact and conclusions of law are to be submitted by noon on the Monday before trial, unless otherwise specifically ordered.

Trial Briefs. Trial briefs are not required. Motions *in limine* are to be filed fourteen days before trial, responses are to be filed seven days before trial.

Status Conference. No status conference will be held prior to trial unless counsel are notified by the court.

Sometimes the official record of trials and proceedings will be taken by electronic sound (audiotape) recording. It requires the lawyers to use microphones which are strategically placed in the courtroom. There is a single lectern from which you will address the court, witnesses and

the jury. Microphones are on the counsel tables, which are arranged parallel with the bench, the plaintiffs table being on your right as you face the bench. Please be sure to speak into the microphone when you stand to make your objections and address the court.

The courtroom deputy clerk will present the exhibits to the witnesses. Instead of the traditional "I hand you what has been marked for identification as plaintiffs exhibit number...", you may simply say "Please look at exhibit number one..." and the exhibit will be placed before the witness or the witness may turn to that exhibit in the exhibit book on the witness stand. You need not move from the microphone at the lectern.

Transcripts of proceedings taken by a stenographic reporter should be ordered directly from the individual court reporter. Transcripts of proceedings taken by electronic recorder may be ordered from Ms. Kathy Terasaki in the Clerk's office at telephone number (303) 335-2095. You may also order copies of the tapes from them at a cost of \$20 per tape (90 minutes). Requests for daily copy must be made at least ten (10) days before the trial date.

IF YOU HAVE QUESTIONS REGARDING ANY OF THESE PROCEDURES, PLEASE CONTACT LADONNE BUSH AT (303) 335-2092.

There are a number of steps you can take to facilitate record taking in the courtroom.

- Give your business card to the courtroom deputy and the court reporter or recorder operator before the proceeding begins.
- Give the courtroom deputy and the court reporter or recorder operator a complete list of the witnesses you will call during the proceeding.
- If any of your witnesses will present testimony containing unusual or technical vocabulary, prepare a list of such correctly spelled names and terms for the court reporter or recorder operator.
- When recording equipment is being used:
- Make certain that verbal responses are elicited from all witnesses or that some audible indication be made by you through the microphone.
- SPEAK DIRECTLY INTO THE MICROPHONES.
- Do not move from the lectern and be careful to make objections into the table microphones.
- You must speak directly into the sidebar microphone which is not connected to the amplifier system.
- Do not move or pick up microphones unless otherwise directed.

EXHIBIT LIST

CASE NUMBER _____ PLAINTIFF'S LIST _____ DEFENDANT'S LIST _____ THIRD PARTY DEFT. LIST _____

CASE CAPTION _____ vs. _____ PAGE NO. _____ DATE _____

LIST PLAINTIFF'S EXHIBITS BY NUMBERS (1, 2, 3, etc.) And DEFENDANT'S EXHIBITS BY LETTER (A, B, C, A1, A2, A3, B1, B2, B3, etc.)

[illegible]